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4 FERNANDO SHAH,  
5 Plaintiff,  
6 v.  
7 ALPINE COUNTY SUPERIOR COURT,  
8 Defendant.

9 Case No. 21-cv-00891-VKD  
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**ORDER OF TRANSFER**

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14 Pro se plaintiff Fernando Shah filed this purported action for a writ of habeas corpus on  
15 February 4, 2021. Dkt. No. 1. However, Mr. Shah is not a prisoner being held in custody by the  
16 state or federal government and therefore his complaint is not properly brought as habeas petition  
17 under either 28 U.S.C. §§ 2241 or 2254. Based on the documents that Mr. Shah submitted with  
18 his complaint, it appears Mr. Shah seeks the return of or compensation for an impounded vehicle  
19 and to “clear the arrest records that were posted through CLETS and Chaptered State Vehicle  
20 Codes.” *Id.* at ECF pp. 1–2, 6, 7. The Court construes this as a claim for violation of his Fourth  
21 and Fifth Amendment rights under 42 U.S.C. § 1983. *See id.* at 1–2 (citing § 1983).

22 All the events Mr. Shah complains of took place in Alpine County, California, which is  
23 within the Eastern District of California. 28 U.S.C. § 84. The proper venue for this action is  
24 therefore the Eastern District of California. 28 U.S.C. § 1391(b)(2). Accordingly, in the exercise  
25 of its discretion, and in the furtherance of justice, the Court finds that this case should be  
26 transferred to the U.S. District Court for the Eastern District of California. *See* 28 U.S.C. §  
27 1406(a).

28 The Clerk of the Court shall transfer the entire file to the Eastern District of California.

1           **IT IS SO ORDERED.**

2       Dated: February 5, 2021

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5           VIRGINIA K. DEMARCHI  
6           United States Magistrate Judge